

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER,
Supervising Deputy Attorney General
3 LORETTA A. WEST, State Bar No. 149294
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2107
Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2009-216

13 **JULIE NICOLE MIRISE**
7409 River Highlands Drive
14 Fisher, Indiana 46038

A C C U S A T I O N

15 Registered Nurse License No. 686787

16 Respondent.

17
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board") Department of Consumer
22 Affairs.

23 **Registered Nurse License**

24 2. On or about August 17, 2006, the Board issued Registered Nurse License
25 Number 686787 to Julie Nicole Mirise ("Respondent"). The registered nurse license expired on
26 December 31, 2007, and has not been renewed.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

11

12

13

14

15

17

18

20

22

23

25

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **DRUG**

7 9. "Fentanyl" is a Schedule II controlled substance as designated by Health
8 and Safety Code section 11055, subdivision (c)(8), and a dangerous drug under Code section
9 4022 in that under federal or state law it requires a prescription.

10 **BACKGROUND**

11 10. On September 3, 2006, Respondent was on duty as a registered nurse in
12 the Pediatric Intensive Care Unit at Rady Children's Hospital in San Diego, California. She was
13 providing care to an infant weighing 3.35 kg. The infant required an echocardiogram, which
14 necessitated sedation.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Gross Negligence)**

17 11. Respondent is subject to discipline under Code section 2761, subdivision
18 (a)(1), on the grounds of unprofessional conduct, in that on or about September 3, 2006, while on
19 duty as a registered nurse at Rady Children's Hospital, San Diego, California, Respondent
20 committed acts constituting gross negligence, as defined in California Code of Regulations,
21 section 1442, as follows:

22 a. Respondent failed to follow the "5 Rights" of medication administration
23 before she administered 30 mcg of the controlled substance Fentanyl to the infant referenced in
24 paragraph 11, above, instead of the ordered dose of 3 mcg of Fentanyl.

25 b. Following the medication error set forth in subdivision a, above,
26 Respondent then falsified the original physician's order by adding a zero after the number 3 to
27 make the physician's order appear to have been 30 mcg of Fentanyl instead of 3 mcg of Fentanyl.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Falsify Hospital Records)**

3 12. Respondent is subject to discipline under Code section 2762, subdivision
4 (e), for unprofessional conduct, in that on or about September 3, 2006, while on duty as a
5 registered nurse at Rady Children's Hospital, San Diego, California, Respondent falsified
6 the medical record of the infant patient, as more particularly set forth in paragraph 12,
7 subparagraph b, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**


10 13. Respondent is subject to discipline under Code section 2761,
11 subdivision (a), on the grounds of unprofessional conduct, as more particularly set forth in
12 paragraphs 12 and 13, above.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 686787, issued
17 to Julie Nicole Mirise;
- 18 2. Ordering Julie Nicole Mirise to pay the Board of Registered Nursing
19 the reasonable costs of the investigation and enforcement of this case, pursuant to Code
20 section 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.
- 22

23 DATED: 3/23/09

24 
25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

03579110SD2008801705